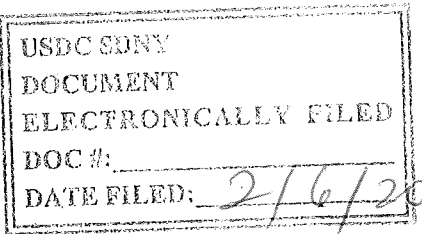


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THOMAS F. KOVACH,  
Plaintiff,

v.

UNITED STATES OF AMERICA; UNITED  
STATES DEPARTMENT OF DEFENSE;  
UNITED STATES AIR FORCE; STATE OF  
NEW YORK; NY AIR NATIONAL GUARD,  
105TH AIRLIFT WING; and PAUL A.  
WEAVER, JR.;  
Defendants.  
-----X



**ORDER**

19 CV 7065 (VB)

On January 29, 2019, plaintiff, who is proceeding pro se and in forma pauperis, filed a letter seeking a certificate of default concerning defendant Paul A. Weaver, Jr. (Doc. #45). The docket reflects that Weaver was purportedly served on October 31, 2019, and that Weaver's answer was due on December 30, 2019. (Doc. #41).

On January 30, 2020, plaintiff filed letters seeking certificates of default concerning defendants New York Air National Guard and 105th Airlift Wing. (Docs. ##47, 48).

Thereafter, the Court ordered defendants' counsel—the U.S. Attorney's Office and the New York State Attorney General's office—to advise the Court on whether they intended to represent defendant Weaver. (Doc. #46).


On February 5, 2020, the U.S. Attorney's Office informed the Court that the Department of Justice "recently advised . . . that Maj. Gen. Weaver has been approved to receive private representation at DOJ's expense." (Doc. #52).

Accordingly, it is HEREBY ORDERED:

1. By March 2, 2020, counsel for defendant Weaver shall enter an appearance in this action and answer, move, or otherwise respond to the complaint.
2. By February 10, 2020, the U.S. Attorney's Office shall serve a copy of this Order on defendant Weaver, and file proof of service on the docket.
3. Respecting plaintiff's requests for certificates of default, because the State of New York has sought to stay this action pending a determination by the Judicial Panel on Multidistrict Litigation ("JPML") on whether the litigation should be transferred to the ongoing MDL involving aqueous film-forming foam ("AFFF"), the Court declines plaintiff's request for the Clerk's Certificate of Entry of Default respecting New York Air National Guard and the 105th

Airlift Wing. (Docs. ##46, 51).<sup>1</sup> Further, the Court declines plaintiff's request for the Clerk's Certificate of Entry of Default respecting Weaver at this time, given the indication by the U.S. Attorney's office that he will have counsel in this case now that private representation has been authorized by the Department of Justice. (Doc. #52).

Dated: February 6, 2020  
White Plains, NY

SO ORDERED:  
  
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Vincent L. Briccetti  
United States District Judge

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<sup>1</sup> Moreover, the New York State Attorney General's office advised proper service has not been effectuated on New York Air National Guard and 105th Airlift Wing. (Doc. #55).